

RENTING TO FAMILIES WITH CHILDREN

Families with children are a “protected class” group under the federal Fair Housing Act, state and local fair housing laws. Also called “familial status” or “parental status”, this category includes any household with:

- children under the age of 18 in the household
- a parent, step-parent, adoptive parent, grandparent, guardian, foster parent or custodian with a minor child
- a pregnant woman or someone in the process of acquiring legal custody of a child.

Under fair housing laws, almost all rental must be available to families with children (some limited exceptions exist under the federal Housing for Older Persons Act or HOPA). Families with children should be treated fairly in advertising, during the application and selection process, and during the tenancy. Here are some helpful guidelines:

You Can't Live Here –

- "Adults only" communities are generally not allowed, except in housing which qualifies as Housing for Older Persons.
- Housing providers cannot establish strict occupancy limits that have the effect of discriminating against families with children. For example, it would be unreasonable to limit a two-bedroom apartment to two or three people, since a bedroom can accommodate two people. If a discrimination complaint is filed, the fair housing agency will assess the reasonableness of the occupancy standard based on the number and size of the bedrooms and the overall size of the unit.

We'll Tell You Where You Can Live –

- Housing providers may not restrict families to certain buildings or to first floor units.
- Housing providers cannot require that children of opposite sexes use separate bedrooms, even in Section 8 or other HUD funded housing.

It's Not Safe –

- Safety hazards cannot be used as an excuse for not renting to families with children.
- Most hazards are dangerous for all residents, not just children. If there are hazards, take reasonable measures to correct them (put up a fence, install nonslip strips near pools, etc.). If the hazard cannot be corrected, point them out to all applicants and residents, being sure to do it in a way which does not discourage families with children from renting. Remember, parents are responsible for the safety of their children.
- Pool hours should be reasonable for the use and enjoyment of all residents. "Adult swim" hours are not permitted. In accordance with Washington State Law, it is

permissible to require that children under the age of 13 be accompanied by an adult or that children between the ages of 13-17 have at least one other person present who is 13 or older.

- It is reasonable to establish age limits for use of equipment in fitness rooms. Many commercial gyms permit those aged 15-17 to use exercise equipment without supervision. Many limit the use of equipment for children aged 12-14, and most do not permit anyone under age 12 to use fitness equipment. Remember, you cannot exclude children from being in the fitness room, just from using the equipment (or using it unsupervised). For example, a mother who wishes to exercise can bring her toddler along if the child keeps away from the equipment and does not create a disturbance.
- Areas considered dangerous to small children, such as saunas or hot tubs, can be labeled as "off limits" without an adult present. A housing provider should be extremely careful in naming other areas as requiring adult supervision and should consult with the appropriate local, state or federal agency for guidance.

It's Against the Rules –

- Tenancy rules cannot target children. For example, a rule that states "children's toys cannot be left on the stairs" should be rewritten as "no personal property of residents can be left in common areas."
- Curfews or restrictions on the hours children may be outside their rental homes are not permitted. It's best to outline policies for quiet hours and limiting noise in the tenancy rules and regulations, and the policies should be applicable to all residents and their guests.
- Residents can be held responsible for damage incurred by all of their apartment occupants and guests, including children.
- Problems can arise with any residents regardless of whether they are adults or children. Residents should be notified, preferably in writing, of any particular problem and asked for their help in correcting it. All residents should be treated similarly in similar situations. For example, bicycle riding in the parking lot is often dangerous, and both children and adults could be cautioned not to ride there.
- Even policies that don't target children can be discriminatory if they are used only against children and not against adult violators! For example, a manager can be vulnerable to a fair housing complaint if he gives a notice for noise made by children but does not similarly issue notices to noisy adults. (For various reasons, you may decide not to discuss rules enforcement with minors; often a discussion with or written note to parents is more effective.)

In summary, it is recommended that you prepare a clearly written set of tenancy rules and policies, make sure all residents have read and understand them, and enforce them uniformly for everyone. Make certain that families with children are treated the same as other households without kids. This is the best fair housing protection you can exercise.

If you have questions about renting to families, contact a fair housing agency. Many useful fair housing materials are available online at www.kingcounty.gov/exec/CivilRights/FH/HPresources.aspx.